

Message Text

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ORIGIN EUR-12

INFO OCT-01 ISO-00 CIAE-00 PM-04 INR-07 L-03 ACDA-07

NSAE-00 PA-01 SS-15 PRS-01 SP-02 USIA-06 TRSE-00

SAJ-01 /060 R

DRAFTED BY DOD/ISA/FMRA:COLTPKEENAN:VSS

APPROVED BY EUR/SE:NCLEDSKY

EUR/SE:JHMORTON

-----120618Z 013595 /14

R 112105Z JAN 77

FM SECSTATE WASHDC

TO AMEMBASSY ATHENS

INFO CNO WASHDC

CSAF/JACC/JACI WASHDC

CINCUSAFE

7206 ABG HELLENIKON AB GR

HQ AAFES EUR MUNICH GER

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E.O. 11652: N/A

TAGS: ACLM, GR, US

SUBJECT: SETTLEMENT OF CLAIMS ARISING FROM ACTS OR OMISSIONS OF GREEK NATIONAL EMPLOYEES OF US FORCES

1. DEPARTMENT HAS BEEN ADVISED BY USAF THAT LONGSTANDING DISPUTE WITH GOG OVER APPLICABILITY OF PARA 5, ARTICLE VIII, NATO SOFA TO CLAIMS ARISING FROM ACTS AND OMISSIONS OF GREEK NATIONAL EMPLOYEES OF U.S. FORCES REMAINS UNSETTLED. THIS MATTER WAS SUBJECT OF STATE A-9210, SEPT 12, 1972, TO WHICH EMBASSY SHOULD REFER FOR COMPLETE EXPLANATION OF PROBLEM. BRIEFLY STATED, GOG HAS MAINTAINED THAT SUCH CLAIMS ARE NOT COVERED BY PARA 5, ARTICLE VIII BECAUSE

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GREEK NATIONAL EMPLOYEES ARE NOT MEMBERS OF THE CIVILIAN COMPONENT, WHEREAS USG AND ALL OTHER MEMBERS OF NATO CONSIDER SUCH CLAIMS PAYABLE UNDER PARA 5 AS CLAIMS FOR WHICH A FORCE IS OTHERWISE "LEGALLY RESPONSIBLE".

2. AS WE UNDERSTAND SITUATION, PROBLEM WAS THOUGHT TO BE RESOLVED WHEN, AFTER TRANSMITTAL BY EMBASSY TO GOG OF

AIDE MEMOIRE DATED JULY 30, 1973, TACIT UNDERSTANDING WAS REACHED THAT CLAIMS WOULD BE PAID BY GREEK RECEIVING STATE OFFICE IF NATIONALITY OF EMPLOYEE WAS NOT REFERRED TO IN CLAIMS PAPERS. ALTHOUGH SEVERAL CLAIMS WERE PAID BY GOG ON THIS BASIS, GOG SINCE EARLY 1974 HAS REVERTED TO ITS

EARLIER POSITION AND REFUSED TO PAY CLAIMS GENERATED BY LOCAL EMPLOYEES UNDER PARA 5 OF ARTICLE VIII.

3. AS A RESULT OF GOG POSITION, ABOUT FOURTEEN CLAIMS INVOLVING GREEK DRIVERS OF US FORCES VEHICLES REMAIN UNSETTLED. FAILURE TO PAY THESE CLAIMS CAUSES PERSONAL HARDSHIP TO BOTH CLAIMANT AND GREEK EMPLOYEE, AS WELL AS LABOR PROBLEMS FOR US FORCES. FOR REASONS SET FORTH IN 1972 AIRGRAM, WE CONSIDER GOG POSITION TO BE BOTH INCORRECT AND TOTALLY UNREASONABLE AND EVERY EFFORT MUST BE MADE TO REVERSE IT. WHILE THIS ISSUE IS NOT DIRECTLY RELATED TO THE NEW DCA AND BILATERAL SOFA, INVOLVING INSTEAD AN INTERPRETATION OF NATO SOFA, IT WOULD BE PREFERABLE TO CLEAR IT UP BEFORE CONCLUSION OF THE NEW AGREEMENTS. WE WOULD THEREFORE PREFER YOUR RAISING THE MATTER WITH THE GOG DURING THE CURRENT PAUSE IN THE DCA NEGOTIATIONS. THIS WOULD FURTHER INDICATE ITS INDEPENDENCE FROM THOSE TALKS AND PROVIDE THE OPPORTUNITY TO RESOLVE THE ISSUE BEFORE THE NEGOTIATIONS RESUME.
ROBINSON

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
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Concepts: n/a
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE005924
Document Source: CORE
Document Unique ID: 00
Drafter: COLTPKEENAN:VSS
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770011-0474
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Legacy Key: link1977/newtext/t19770162/aaaacbz.tel
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Litigation History:
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Office: ORIGIN EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
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Review Action: RELEASED, APPROVED
Review Content Flags:
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Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3622971
Secure: OPEN
Status: NATIVE
Subject: SETTLEMENT OF CLAIMS ARISING FROM ACTS OR OMISSIONS OF GREEK NATIONAL EMPLOYEES OF US FORCES
TAGS: ACLM, GR, US
To: ATHENS
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/a90b2fdb-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009